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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,003	12/04/2003	Hsien-Cheng Chou	N1085-00139 [TSMC2002-123	9128

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EXAMINER	
LEE, WILSON	

ART UNIT	PAPER NUMBER
2163	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/729,003	CHOU ET AL.	
	Examiner	Art Unit	
	Wilson Lee	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/4/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

Claims 1, 3, 7, 9 are objected because of the following informalities:

"Criteria" should be changed to --criterion-- because "criteria" is a plural form of criterion which does not match with the words "request" or "is".

Claim Rejections – 35 U.S.C. 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-14 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.

Regarding Claims 1 and 7, the claimed invention is inoperative because it lacks a step for another condition of request when the request does not match any known criteria.

Claim Rejections – 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, line 2, "substantially similar" is vague because it does not define or specify the database being maintained by the computers; line 6, "the consequences" lacks antecedent basis; line 6, "consequences" is vague to the invention

because it does not define any characteristic of the request. "Consequences" can be determined based on any assumption; line 8, "known criteria" is vague and it can be anything based on any assumption; line 7, "precluding storing" is vague because it renders two functional steps whether which one is required.

Regarding Claim 3, line 1, "criteria" is vague and it can be anything based on assumption.

Regarding Claim 7, line 5, "the consequences" lacks antecedent basis; line 5, "consequences" is vague to the invention because it does not define any characteristic of the request. "Consequences" can be determined based on any assumption; line 6, "precluding storing" is vague because it renders two functional steps whether which one is required; line 7, "known criteria" is vague and it can be anything based on assumption.

Regarding Claim 9, line 1, "criteria" is vague and it can be anything based on assumption.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-10, 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Faybishenko et al. (6,961,723).

Regarding Claim 1, Faybishenko discloses a method applicable for execution on the computers for filtering requests (filter the queries) over one network (See Col. 23, lines 25-37) comprising the steps of:

- capturing each of the requests (queries to the hub) (See Col. 7, lines 29-65);
- determining the requests(process a received query and resolver handle the determination of qualified providers) (See Col. 7, lines 29-65); and
- rather than storing the request (queries) when the request (queries) matches the known criteria (matching information or condition) (See Col. 6, lines 41-67, Col. 7, lines 66-67, Col. 8, lines 1-52, Col. 20, line 41).

Regarding Claims 2, 8, Faybishenko discloses that the request is a delete request (deleting a node in the query) (See Col. 24, lines 48-54).

Regarding Claims 3, 9, Faybishenko discloses that the criterion is associated with a known time period (day, week, etc. or calendar date) (See Col. 31, lines 19-37, Col. 44, lines 14-38).

Regarding Claims 4, 10, Faybishenko discloses that the time period is selected from the group consisting of days, week, etc. (See Col. 31, lines 19-37, Col. 44, lines 14-38).

Regarding Claims 6, 12, Faybishenko discloses that the operation of method is automatic (See Col. 22, lines 48-58).

Regarding Claim 7, Faybishenko discloses the system comprising networks and PCs inherently having processors and memory. These are major elements for PCs and workstations. In addition to the details of the rejection of claim 1, Faybishenko meets the limitation of claim 7.

Regarding Claim 13, Faybishenko discloses PC, workstations, and networks (See Col. 34, lines 1-31) inherently comprising I/O device communicating with processor and memory since these are the major ingredients for computers and networks.

Regarding Claim 14, Faybishenko discloses code executing in the network inherently being stored in the memory.

Claims 1-4, 6-10, 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tripp (7,032,000).

Regarding Claim 1, Tripp discloses a method applicable for execution on the computers for filtering requests over the network comprising the steps of:

- capturing each of the requests (from web server) (See Figure 2 and Col. 4, lines 17-67);
- determining the request (by search engine 202, database server 226 and check server 228)l
- precluding storing the request when the request matches known criteria (See Col. 19, lines 1-10).

Regarding Claims 2, 8, Tripp discloses that the request is a delete request (See Col. 14, lines 1-15).

Regarding Claims 3, 9, Tripp discloses that the criterion is associated with a known time period (preferred time of day for rescheduling updates) (See Col. 11, lines 1-12),

Regarding Claims 4, 10, Tripp discloses that the time period is day (See Col. 11, lines 1-12).

Regarding Claims 6, 12, Tripp disclose that the operation is automatic (See Col. 11, lines 1-12).

Regarding Claim 7, Tripp discloses a processor (e.g. 234, 4701 or 4704) inherently comprising a memory. In addition to the details of the rejection of claim 1, Tripp meets the limitation of claim 7.

Regarding Claim 13, Tripp discloses a processor inherently comprising I/O device communicating with memory since these are the major ingredients for computers and processor.

Regarding Claim 14, Tripp discloses code executing in the network inherently being stored in the memory in the processor.

Claim Rejections – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faybishenko et al. (6,961,723).

Regarding Claims 5, 11, Faybishenko discloses providing a limited amount of time (See Col. 31, lines 19-37 and Col. 44, 14-38) for the service to the client but does not explicitly disclose how many months. It would have been obvious to one of ordinary skill in the art to set up limited amount to six months in order to reduce the risk of the overload data in memory as a matter of design choice.

Claims 5, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp (7,032,000).

Regarding Claims 5, 11, Tripp does not disclose that the time period is 6 months. However, it would have been obvious to one of ordinary skill in the art to set up the period to six months in order to reduce the risk of the overload data in memory or update data as a matter of design choice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shi et al. (7,032,003) discloses a hybrid replication scheme with data and actions for wireless devices. Schreiber (7,016,917) discloses a system and method for storing conceptual information.

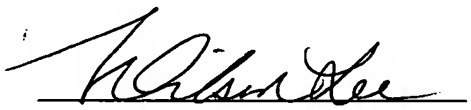
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be

considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wilson Lee
Primary Examiner
U.S. Patent & Trademark Office

5/15/06